

## Summary – Public Safety Committee Meeting

November 28, 2017

### Committee Members Present:

Sharon Bulova (Chairman)  
Penelope Gross, Mason District (Vice Chairman)  
John Cook, Braddock District (Committee Chair)  
John Foust, Dranesville District  
Pat Herrity, Springfield District  
Catherine Hudgins, Hunter Mill District  
Jeff McKay, Lee District  
Kathy Smith, Sully District  
Linda Smyth, Providence District  
Daniel Storck, Mount Vernon District

Approved Meeting Summary, October 10, 2017, Public Safety Committee Meeting and the November 28, 2017, Meeting Agenda and Meeting Materials:

<https://www.fairfaxcounty.gov/boardofsupervisors/public-safety-committee>

Link to the November 28, 2017, Public Safety Committee Meeting video:

[http://video.fairfaxcounty.gov/ViewPublisher.php?view\\_id=9](http://video.fairfaxcounty.gov/ViewPublisher.php?view_id=9)

Today's meeting was called to order at 1:00 P.M.

The meeting summary of the October 10, 2017, Public Safety Committee meeting was approved. Committee Chairman Cook discussed his goal of the committee reviewing every public safety department within two years.

The first topic on the agenda was the Animal Shelter and Animal Services Division/Animal Protection Police Officers reorganization update.

- Captain Paul Norton, Commander of Animal Services Division, briefed on the history of the division and organizational changes, covering past relationship challenges between shelter staff and Animal Control Officers (ACOs).
- An organizational review resulted in a number of positive changes:
  - The creation of the Department of Animal Sheltering and the upgrade of Animal Control Officers (ACO) to Animal Protection Police Officer (APPO).
  - Open communication between Animal Services Division and the Department of Animal Sheltering staff is ongoing, with the Animal Services Division Commander and the Sheltering Director also meeting on a regular basis.

- Collaborative effort towards implementing policies and practices in which employees have input in the process.
- A formal Memorandum of Understanding completed between the Police Department and the Department of Animal Sheltering with assistance from the County Attorney's office.
- More effort is being made towards achievement of the following objectives:
  - Seamless transition
  - Improving culture and climate
  - Promoting trust and transparency
  - Staff engagement
  - Leaders to help model desired behavior
  - A balance towards promoting animal welfare and public safety
- Animal Services Advisory Commission reports are shared among staff for awareness.
- Decisions as to adoption of animals is now a multidisciplinary effort with focus on balancing animal welfare and public safety. The effort involves input the caretaker supervisor, veterinary staff, management team, foster coordinator, shelter director, and APPOs.
- Working on developing more effective intake forms for animals.
- The changes that have been made have fostered a more collaborative environment.
- Dr. Karen Diviney, Director, Department of Animal Sheltering, addressed safety concerns by having Risk Management conduct an audit. Policies and procedures were changed based on audit recommendations.
- Dr. Diviney also discussed the development of a roundtable environment, where staff inputs regarding animals can be communicated. This process was vetted through the Animal Services Advisory Commission to demonstrate why certain decisions were made and solicit input.
- This helped improve the culture as the staff's primary concern was having a voice and being heard.
- Captain Norton and Director Diviney stressed the need to fill critical position as currently almost one third of the APPO positions are unfilled.
- Captain Norton expressed the desire to create a career path for APPOs through the creation of a more robust rank structure. Currently, police captains are rotated through Animal Services Division. Should additional supervisory positions be created, to include a 2<sup>nd</sup> Lieutenant level rank, it would build a structure that would allow a career path for APPOs and foster agency succession planning enabling future commanders to come from

within, providing smooth transitions and understanding of the organization's mission, requirements, and culture.

- It was suggested that one wildlife biologist be converted to a full-time position allowing for continuity and support toward the workload in the deer management program.
- There have been 819 dog adoptions from January to October 2017, less than 3% of dog adoptions resulted in bites, with 2% considered minor nips and less than 1% resulting in euthanasia because of a bite.
- Fairfax County remains above 90% in live release.
- Leadership will continue to assess and improve dog and animal behavior evaluations, develop staff expertise in animal handling, evaluate the facility and animal handler safety, and continue fostering the relationship between APPOs and shelter staff.
- Comments and questions were then taken from the members of the Board of Supervisors:
  - Supervisor Smyth expressed her appreciation for the progress that has been made.
  - Supervisor Herrity also expressed appreciation for the progress and communication, as well as concern over the unfilled positions.
  - Supervisor McKay expressed appreciation for the progress made, and noted the emotions that can surround a sheltering environment and that animals can be unpredictable. He noted the approved South County Animal Shelter, wanting to ensure that documentation regarding shelter facility improvements and changes made at West Ox was being shared with appropriate County staff as the new facilities are being designed and planned. Director Diviney assured him that was being done in regular meetings with County staff, and that other shelter staff were also being included and engaged in those discussions.
  - Supervisor Smith also voiced her concerns over the shortage of APPOs. Captain Norton stated that the concerns originated back when the classification of the ACOs was uncertain. With the APPO classification, recruitment efforts are underway and the Pay and Benefits Committee is working to address compensation issues.
  - Supervisor Foust wanted to ensure the volunteer staff was still being engaged and supported. Director Diviney stated that the volunteer program continues to be robust and important. Quarterly meetings are being held with them to listen to concerns, and efforts are also underway to assist with the engagement and training of the volunteer staff. She further noted the "Friends" group has raised over \$300,000 this year alone for proactive programs and medical supplies.
  - Supervisor Gross noted that she believes this is the third or fourth time the shelter has been "redone" internally and she is concerned about stability, and wanted to know if we in the forefront nationally or "catching up." Director Diviney replied that she believes we are at the forefront of the industry. She further highlighted the volunteer work, rescue network, and services provided to the community that are being emulated across the nation.

Supervisor Cook noted that the original agenda called for a presentation on the Department's PIT/Pursuit policy, however, representatives from the Police Executive Research Forum could not attend this meeting today, so the topic was moved to the scheduled January 9, 2018, Public Safety Committee meeting.

The next topic on the agenda was a discussion of panhandling in Fairfax County.

- 2<sup>nd</sup> Lieutenant Jonathan Stern of the Police Department led the initial discussion by outlining a typical panhandling scenario for the Board.
- Panhandling related calls/complaints for the Police Department have increased from 1,800 to 2,100 calls when comparing the same timeframe from 2016 to 2017.
- 2<sup>nd</sup> Lieutenant Stern noted that enforcement cannot be the sole solution, a collaborative effort for education and prevention is also important. As an example, peer jurisdictions in the region have begun to develop educational campaigns designed to encourage community members not to give money to panhandlers, but rather direct those funds to organizations and social services programs aimed at assisting/supporting those in need, homeless, etc.
- Supervisor Cook asked about the current ordinance, and what type of calls the Police Department responds to, and what types of behaviors are a violation.
- 2<sup>nd</sup> Lieutenant Stern replied that the Department responds anytime there is a report of panhandling, or a suspicious person, or anytime a person appears to be in need of services, but explained that there is not always a legal sanction available. He explained that crimes that can be enforced include obstructing traffic, walking in the roadway, and misuse of crosswalks.
- Chairman Bulova asked about if vehicles were already stopped for a red light, would panhandlers be considered disrupting or obstructing traffic. 2<sup>nd</sup> Lieutenant Stern responded that it would depend on the type of roadway involved and how driver behavior and traffic might be affected.
- Supervisor Cook inquired as to whether legislation has changed the ability for the Department to enforce panhandling. John Burton of the County Attorney's Office stated that enabling legislature could be used to address the issue and prohibit solicitation on the roadway and could conceivably prevent panhandling curb to curb, but that there would have to be other considerations.
- Supervisor Smyth pointed out that education is key and asked about the most effective ways to get the message out to the community. She recommended a simpler message format that can be printed on a small card or posted online or newsletters (boilerplate language). Dean Klein, Director of the Office to Prevent and End Homelessness, responded that they are putting out handouts directing people to resources, and also getting great cooperation and assistance from non-profits and faith based agencies who are helping with distribution.

- Tony Castrilli, Director of the Office of Public Affairs (OPA), also stated that OPA is prepared to launch a campaign with multiple agencies, and “common message, many voices” approach. The effort would begin as a webpage and then continue to video and social media channels, local media messaging, events, etc.
- Supervisor McKay pointed out that it is important to note that panhandling and homelessness are not always the same thing, with not all panhandlers being homeless or in need. The residents of the county are very generous, and have good intent to help others, but are, in fact, not really helping to resolve the issue by giving directly to panhandlers. The County needs to have more effective public education and messaging to encourage people to help in other ways, such as supporting community based organizations instead of panhandlers.
- Supervisor Hudgins concurred with the need for more effective and consistent public messaging, wanting to assure people they could still be charitable, but with guidance as to how to do so more appropriately and that the County not rely on criminalization of panhandling and selective enforcement as a solution. She also highlighted that some are still in need of services and need to be supported and guided into appropriate systems of care.
- Supervisor Herrity asked a clarifying question as to the 2100 cases and if this was the number of arrests/citations. 2<sup>nd</sup> Lieutenant Stern responded that it a total number, including some which were just contacts. He did not attempt to estimate a percentage that were charges, but state a charge is always officer discretion, and typically the more aggressive/frequent panhandlers are the ones who are cited or arrested.
- Supervisor Herrity stated there are no absolutes in the issue. Some panhandlers are homeless or have mental health issues, but others are organized groups. It’s important to get the message out to give where the money will actually do people the most good, and not to panhandlers directly and get people into services they may need.
- Supervisor Smith stated she supports the idea of educating the public.
- Chairman Bulova encouraged the pursuit of the public education effort, and surmised a “green light” from the Board on the issue.
- Supervisor Cook reiterated the idea of a one-page/simple slogan message to hopefully make a lasting impact, although he still supported approving an ordinance.
- Supervisor Herrity asked that the possibility of an ordinance be left on the table for now to see if the message approach worked and there was general consensus.
- Supervisor Hudgins noted that given the holiday and giving season, she hoped that any public messaging could be expedited.
- Chairman Bulova proposed pushing the message out to the public through Channel 16 also.

The third topic for discussion was a fiscally constrained Diversion First Multiyear Staffing Plan as requested in the current budget guidance.

- Laura Yager, Director of Systems Transformation for the County Executive's Office, gave a brief overview of diversion, outlined the 5-year plan, emphasizing the goals of decreasing arrests and diverting of people to treatment who are in need of mental health services.
- In the last 12 months, it has been determined through retrospective data analysis that approximately 1/3 of all incarcerated inmates have behavioral health issues, tend to stay in jail 20 days longer than other inmates, and more than half recidivate within 3 years.
- Director Yager then covered the "Sequential Intercept Model" and noted that 18% of deputies and 27% of officers are now Crisis Intervention Team (CIT) trained.
- 1/3 of all Community Services Board (CSB) emergency cases involve law enforcement.
- There has been a 123% increase in the use of Emergency Custody Orders from 2015 to 2016. The projected numbers suggest another 25% increase in 2017. The Merrifield Center is being used effectively as its intended purpose.
- Since January 2016, 680 persons have been diverted from potential criminal arrest.
- Diversion First is now gaining national attention.
- Director Yager briefly discussed outcomes, a 2017 focus on courts, and some data on pre-trial services.
- Director Yager then reviewed a new focus on "super-utilizers" and focused on a particular case that totaled an estimated \$168,179.80 in costs to the county over six months with limited outcomes, and emphasized the need for more collaborative efforts to improve outcomes.
- For staffing, Director Yager requested an increase in MCRC law enforcement coverage, adding a third Mobile Crisis unit, and a renewed emphasis on court system, housing, and transportation resources.
- Lieutenant Michael Tucker of the Police Department introduced himself as the CIT team coordinator and reiterated the need for one extra police officer and deputy sheriff position for coverage at Merrifield. He further requested a police and sheriff sergeant position for additional supervisory coverage.
- Lieutenant Redic Morris of the Sheriff's Office then covered the increase in transportation needs, stating more officers were needed to offset the coverage and keep patrol officers in their patrol areas rather than on mental transports. He also emphasized the need for more crisis intervention specialists.
- Daryl Washington, CSB, discussed the need for additional crisis intervention specialists who could be cross-trained to provide services at the MCRC or in the field in mobile crisis or as part of a co-responder team with law enforcement and fire/rescue staff.

- Deputy Chief Jason Jenkins of the Fire Department discussed the co-responder model provisions, stating it is a new concept and helps to put responders as a team into the community for better case management and intervention. This helps provide more effective services, stop recidivism, and reduces the number of super-utilizers.
- Director Yager briefly outlined a need to support the Commonwealth's Attorney's Office and the public defender with additional staffing resources or funding if a mental health docket is established.
- General District Court staff requested more pre-trial supervision staff and new juvenile probation counselors.
- The need for additional staff to do quicker, effective screenings of individuals before court advisements was discussed.
- Supervisor Cook did a brief summary of the 5 year plan, and noted that the constrained plan was approximately an additional \$2 million per year.
- Chairman Bulova noted that ultimately the program will prove to be the most cost-effective way to address the issue, and the right thing to do.
- She did ask about to deal with those super-utilizers who are non-compliant. The reply was that the plan calls for behavior specialists, and motivational interviewing skills. As the super-utilizers are identified, outreach will be conducted to provide services more proactively rather than responsively.
- Supervisor Herrity then inquired about financial savings on jail costs. Director Yager noted that the jail is 24/7, and basically has fixed standard costs. Cost avoidance can be quantified, but cost savings cannot yet in a satisfactory manner.
- Supervisor Cook noted there are five intercepts in the program, and we are moving through approximately one per year, and until all five are accomplished we may not observe or realize savings. Supervisor Herrity noted a desire for more analysis and a hope that some existing staffing resources could be diverted to other needs instead of only seeking increased staffing resources.
- Supervisor Hudgins expressed her belief the program is in a good place, and wanted to see the focus on mental health collaboration regarding treatment. She noted the program is not only about "curing" individuals, but treatment which may have to be ongoing.
- Supervisor Foust noted the request adds 51 positions with an approximately \$9 million cumulative cost. It is a good program, but it may or may not be cost-effective. He stressed both costs and savings should be able to be projected, but above anything staff needs to either demonstrate cost-savings or stop saying this program will reduce costs. Agencies also have to assess their priorities, and if this is a top priority then perhaps shift some resources, not just ask for more.
- Supervisor Gross stated that Diversion First is a successful program, but there will always be super-utilizers that will not cooperate with the program. She wanted to ensure that the program was not taking away from other people who needed help because of services to

super-utilizers. Staff responded that super-utilizers already take advantage of CSB services, and additional resources will allow CSB to take a different approach to super-utilizers to ideally reduce services to them long-term.

- Supervisor McKay stated that the program is much bigger than just saving cost to the County, but costs and impacts to the effected families.

The final topic of discussion concerned an updated fiscally constrained Public Safety 5-year staffing plan.

- Deputy County Executive Dave Rohrer briefly reviewed the original 5-year staffing plan that was designed for FY2016-2020. It called for 352 total positions at a cost of \$52.58 million.
- Since that time, 134 positions have been added in public safety at \$14,439,361 total cost.
- The revised plan is fiscally constrained, and the key driver is directed towards new facilities such as the new South County police station and animal shelter, and Fire Station 44.
- DCE Rohrer requested 141 positions in \$25,105,026 total cost.
- The positions include full funding for SAFER positions and the new relief sergeants, positions for the South County police district station, Department of Public Safety Communications (DPSC), animal services, and if fully implemented, the body-worn camera program.
- The 141 positions represent a minimal fiscally constrained approach.
- Supervisor Cook then asked Joe Mondoro, Chief Financial Officer, to weigh in. He stated there is still work to be done in order to construct a balanced recommended FY19 budget, but the list of 141 positions was a reasonable foundation for discussion.
- DCE Rohrer noted the minimal fiscally constrained list did not include all public safety critical needs, just the ones that had to be addressed at a minimum.
- He then first noted on behalf of the Commonwealth's Attorney's Office 15 positions they deemed critical needs, 11 of which would be attorneys and four of which would be support staff (paralegals, analyst, etc.)
- Chief Roessler, Police Department, then addressed additional position, to include needs related to complex death investigations in the County related to opioids, suicides driven by mental health episodes, and gang-related murders. He then introduced Detective Chris Flanagan of Major Crimes Bureau – Homicide division for comments. Detective Flanagan noted the caseload for the Homicide Squad, and the length and complexity of various types of cases.
- Gang related homicides have become a greater concern, and usually involve multiple offenders. These cases are extensive and typically involve multiple search warrants.

- Investigations also include an in-depth look at social media. With the changing landscape, there is a critical need to add more detectives. Chief Roessler noted that this was crucial to providing justice for the victims and solutions to their families.
- Chief Richard Bowers of the Fire Department stated that the critical needs and priorities of the Department are to improve response times, readiness, training, and revenue production. The highest priority for the Fire Department at this point is the construction and staffing of Fire Station 44. He also mentioned expected needs to come from the ongoing Department climate assessment.
- Deputy Andariese, Sheriff's Office, stated their request for 90 positions, with the most critical being 30 of which would be designated for mental health needs.
- DCE Rohrer stated Emergency Management needs 3 critical positions, and recommended a future discussion for 24/7 watch coverage.
- Supervisor Cook then stated that because of time constraints, there would no questions from the Board, and asked that if they desired more discussion on the staffing plan in the future they could contact him about scheduling an additional committee meeting.

Meeting adjourned at 3 p.m.